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10/600,199	06/19/2003	Vladimir Sadovsky	3382-64490	7566
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121 S.W. SAL	MON STREET		MISLEH, JUSTIN P	
SUITE 1600 PORTLAND, (OR 97204		ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)				
		10/600,199	SADOVSKY ET AL.				
	Office Action Summary	Examiner	Art Unit	_			
		Justin P. Misleh	2622				
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet w	vith the correspondence address				
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. It is period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUN 36(a). In no event, however, may a vill apply and will expire SIX (6) MO , cause the application to become A	ICATION. I reply be timely filed INTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).				
Status							
· —	Responsive to communication(s) filed on 13 Au						
'=	This action is FINAL. 2b)⊠ This action is non-final.						
3)[_]	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
		x parte Quayle, 1955 C.	D. 11, 400 O.G. 210.				
-	ion of Claims						
	Claim(s) <u>1 - 16, 18, 20 - 49, and 51 - 58</u> is/are		n.				
	4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed.	wn from consideration.					
·—	Claim(s) <u>1 - 16, 18, 20 - 49, and 51 - 58</u> is/are	reiected.					
	Claim(s) is/are objected to.	•					
8)□	Claim(s) are subject to restriction and/or	r election requirement.	•				
Applicat	ion Papers						
9)□	The specification is objected to by the Examine	г.					
10)⊠	The drawing(s) filed on <u>13 August 2007</u> is/are:	a)⊠ accepted or b)□ o	bjected to by the Examiner.				
	Applicant may not request that any objection to the	- · · ·					
11)	Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	•	•				
Priority (under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:							
	1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents have been received in Application No						
•	3. Copies of the certified copies of the prior	· · ·	n received in this National Stage				
* 6	application from the International Bureau See the attached detailed Office action for a list		at received.				
Attachmen	at(s)						
	ce of References Cited (PTO-892)		Summary (PTO-413)				
3) 🔲 Infor	ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) er No(s)/Mail Date		o(s)/Mail Date Informal Patent Application				

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 13, 2007 has been entered.

Response to Arguments

2. Applicant's arguments filed August 13, 2007 have been fully considered but they are not persuasive.

Claims 1, 28, 36, 51, and 52

3. With respect to these claims, Applicant argues:

"Parulski does not mention application programming interfaces (or APIs). Parulski is even further from teaching or suggesting 'a target computer having an application programming interface that facilitates transfer of digital image files from digital image data source devices to the target computer,' especially when taken in combination with the other cited elements of claim 1. For example, Parulski also does not teach or suggest 'the analyzing and the adjusting are initiated by the transferring of the first digital image file from the first digital image data source device to the target computer,' as recited in claim 1 ... However, Parulski's descriptions of derived images, JPEG compression, file structure and formatting for file transfer do not

10/600,199

Art Unit: 2622

include any description of a file transfer that initiates analyzing and adjusting of image data at the target computer."

Page 3

- 4. The Examiner respectfully disagrees with Applicant's position. Parulski et al. disclose, as shown in figure 4, a system having an image data source portion (e.g., imager 18, driver 100, and A/D 104 OR removable memory 54) and a target computer portion (e.g., processor 106, controller 81, and LUT 136). According to the flowcharts shown in figures 31a – 31c, a digital image file is obtained from the image data source portion (corresponding to steps 202, 204, and 206 – Note, the image data becomes an image file upon digitization in step 206), then the obtained digital image file is transferred from the image data source portion to the target computer portion (corresponding to steps 210 and 212), where the digital image file is analyzed and adjusted immediately upon reception at the target computer portion (corresponding to steps 210 and 212; see column 12, lines 36 - 39; column 26, line 63 – column 27, line 15). Furthermore, Parulski et al. disclose, as shown in figures 46 and 47, an image display (26), where the target computer portion (81) responsively shows the verification image (360) on the display. According to Parulski et al., in column 37 (line 53) – column 38 (line 5), the image display (26) serves to allow the under to responsively and directly interact with the target computer portion. Therefore, there exists within Parulski et al. application programming interfaces or APIs.
- 5. For these reasons, the rejection of Claims 1, 28, 36, 51, and 52 will be maintained.

 Claim 25
- 6. With respect to this claim, Applicant argues:

10/600,199

Art Unit: 2622

Page 4

"Parulski does not teach or suggest the above-cited language of independent claim 25.

For example, Parulski does not teach or suggest "responsive to a transfer of a first digital image file from a first digital image data source device to a target computer, analyzing image data from the digital image file at the target computer.., wherein the target computer has an interface that

allows transfer of digital image files from multiple different types of digital image data source

devices to the target computer," as recited in claim 25."

7. The Examiner respectfully disagrees with Applicant's position. Parulski et al. disclose, as shown in figure 4, a system having an image data source portion (e.g., imager 18, driver 100, and A/D 104 OR removable memory 54) and a target computer portion (e.g., processor 106, controller 81, and LUT 136). According to Parulski et al., the imager (18), driver (100), and A/D (104) is one source of digital image data and the removable memory (54) is another source of digital image data. Furthermore, Parulski et al. disclose, as shown in figures 46 and 47, an image display (26), where the target computer portion (81) *responsively* shows the verification image (360) on the display. According to Parulski et al., in column 37 (line 53) – column 38 (line 5), the image display (26) serves to allow the under to responsively and directly interact with the target computer portion. Therefore, there exists within Parulski et al. application programming interfaces or APIs.

8. For this reason, the rejection of Claim 25 will be maintained.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-3, 7-16, 20-37, and 41-49, 51-58 are rejected under 35 U.S.C. 102 (e) as being anticipated by Parulski et al. (US 6,930,718 B2).

The Examiner considers Claims 1, 3, 7 - 10, 12, 13, 15, 20 - 22 and Claims 36, 37, and 41 - 50 and Claim 51 and Claim 52 to be corresponding claims, respectively. Accordingly, where deemed appropriate, they will be rejected with together.

11. For Claims 1, 28, 36, 51, and 52, Parulski et al. disclose, as shown in figures 1, 3, 4, 25, 31a, 31b, 31c, 46, and 47, a method performed by a computer of processing digital images (see column 18, lines 50 - 57), the method comprising:

transferring a first digital image file containing a digital image (see Steps 204 and 206 in figure 31b) from a digital image data source device (18 – figures 4 and 25) to a target computer (control system 80 – figures 4 and 25) having an application programming interface that facilitates transfer of digital image files from digital image data source to the target computer (Parulski et al. disclose, in column 37 (line 53) – column 38 (line 5), the image display (26) serves to allow the under to responsively and directly interact with the target computer portion.);

at the target computer (80), analyzing image data from the first digital image file (see Steps 210 and 212 in figure 31b; also see column 17, lines 7 - 22, and column 18, lines 50 - 57); and

10/600,199 Art Unit: 2622

at the target computer (80), adjusting the image data (Parulski et al. indicates that the "derived ... images are enhanced" through processing; see column 12, lines 1-29) from the first digital image file based at least in part on the analysis of the image data,

wherein the analyzing and the adjusting are performed automatically (Parulski et al. also state, in column 17, lines 7 – 46, that the derived images are analyzed for "common photographer errors and oversights" and some functions may be "automatic functions". Parulski et al. at least provide either automatic recapture with automatically adjusted settings as shown in figure 47 or automatic image processing as stated in column 41, line 29 – column 43, line 22.) at the target computer (80), and wherein the analyzing and the adjusting are initiated by transferring the digital image file from the digital image data source device to the target computer (see figure 31b and column 26, line 63 – column 27, line 15).

The claims comprehensively recite a method, a computer system, and a software system for acquiring, transferring, automatically analyzing, and automatically adjusting digital images. In figures 1 and 4, Parulski et al. disclose a digital camera for performing the recited method. In column 17 (lines 7 – 22) and column 18 (lines 50 – 57), Parulski et al. state that the method may implemented in software stored in the camera and executed by the CPU (81) within the camera. Furthermore, Parulski et al. indicate that the method by also be executed according to firmware are stored with the camera. Finally, Parulski et al. also disclose the use of "fuzzy logic algorithms". Based upon these teachings, the Examiner believes Parulski et al. adequately disclose the claimed steps, components, customization, and modules required by the claim language.

- 12. As for Claim 2, Parulski et al. disclose, as shown in figure 1, that the digital image data source device is at least a digital camera (10) or mass-storage device (memory 54).
- 13. As for Claims 3 and 37, Parulski et al. disclose, as stated in column 17 (lines 7-22) and column 18 (lines 50-57), wherein the transferring is initiated at a source location for the digital image (e.g., shutter release 22).
- 14. As for Claims 7 and 41, Parulski et al. disclose, as stated in column 26 (lines 7 24), further comprising analyzing non-image information from the digital image file ("shutter speed" is non-image information); wherein the adjusting is based at least in part on the analysis of the non-image information (Parulski et al. state the analysis is includes "shutter speed").
- 15. As for Claims 8 and 42, Parulski et al. disclose, as stated in column 26 (lines 7-24), wherein the non-image information comprises at least shutter speed and aperture setting.
- 16. As for Claims 9 and 43, Parulski et al. disclose, as shown in figures 41 and 42 and as stated in column 35 (line 62) column 36 (line 45), wherein the image data comprises pixel data for the image.
- 17. As for Claims 10 and 44, Parulski et al. disclose, as stated in column 17 (lines 7 22), further comprising generating image characteristic data (e.g., "exposure information" including "camera orientation" and "color information") prior to adjusting the image data; wherein the adjusting is based at least in part on the image characteristic data.
- 18. As for Claim 11, Parulski et al. disclose, as stated in column 17 (lines 7 22), wherein the image characteristic data comprises image orientation data (Parulski et al. explicitly recite this feature in the above citation), and wherein the adjusting comprises adjusting orientation of the image based on the image orientation data (also see figure 49).

- 19. As for Claims 12 and 45, Parulski et al. disclose, as stated in column 17 (lines 7 22), wherein the image characteristic data comprises one image orientation data, blur data, and color balance data, and exposure data (Parulski et al. explicitly recite these feature in the above citation; also see figures 45 and 49).
- 20. As for Claims 13 and 46, Parulski et al. disclose, as stated in column 42 (line 57) column 43 (line 2), further comprising: generating metadata corresponding to the adjusting ("metadata instructions"); and storing the metadata corresponding to the adjusting in the digital image file; wherein the storing facilitates preservation-of an original version of the digital image ("The edited image that replaces the original electronic image can include sufficient information to recreate the original electronic image, in the form of metadata instructions or the like.").
- 21. As for Claim 14, Parulski et al. disclose, as stated in column 42 (line 57) column 43 (line 2), wherein the transferring is performed in response to a request from a user-mode application (see Step 186 in figure 31a; "S1 CLOSED?"), and further comprising: providing the digital image file with the metadata to the user-mode application ("The edited image that replaces the original electronic image can include sufficient information to recreate the original electronic image, in the form of metadata instructions or the like.").
- 22. As for **Claims 15 and 47**, Parulski et al. disclose, as shown in figures 31c and 47, wherein automatic performance of the analyzing and the adjusting is selectively enabled or disabled by a user (figure 31c is manual performance and figure 47 is automatic performance).
- 23. As for Claim 16, Parulski et al. disclose, as stated in column 12 (lines 12 14), wherein the digital image file is a compressed digital image file.

- 24. As for Claims 20 and 48, Parulski et al. disclose, as stated in column 11 (lines 12-25) and in column 18 (lines 50-57), wherein the acts are performed in an operating system environment as a feature ("revision suggestions" are one of many features) of the operating system environment (The Examiner considers the "software stored" upon which the controller 81 operates with to be the claimed "operating system environment").
- 25. As for Claims 21 and 49, Parulski et al. disclose, as stated in column 11 (lines 12-25) and in column 18 (lines 50-57), wherein the operating system environment is a managed code environment (The Examiner considers the "firmware" to be a "managed code environment".).
- 26. As for Claim 22, Parulski et al. disclose, as stated in column 11 (lines 12 25) and in column 18 (lines 50 57), wherein the acts are performed in a background service of an operating system environment (The Examiner considers capturing images as the primary function of the camera 10; accordingly the "revisions suggestions" is a "background service").
- 27. As for Claim 23, Parulski et al. disclose, as stated in column 42 (line 57) column 43 (line 2), storing the computer-readable medium (memory 54) having stored thereon a digital image processed according the method of claim 1.
- 28. For Claim 24, Parulski et al. disclose, as stated in column 11 (lines 12 25) and in column 18 (lines 50 57), a computer-readable medium (ROM or EEPROM) having stored thereon computer-executable instructions for causing a computer to perform the method of claim 1.
- 29. For Claim 25, Parulski et al. disclose, as shown in figures 1, 3, 4, 25, 31a, 31b, 31c, 46, and 47, a method performed by a computer of processing digital images (see column 18, lines 50 57), the method comprising:

upon transfer of a digital image file containing a digital image (see Steps 204 and 206 in figure 31b) from a digital image data source device (18 – figures 3 and 25) to a target computer (80- figure 4 and 25);

responsive to the transfer of the digital image file (see figure 31b and column 26, line 63 – column 27, line 15), analyzing image data from the digital image file at the target to computer (see Steps 210 and 212 in figure 31b; also see column 17, lines 7 – 22, and column 18, lines 50 – 57); and

prior to receiving any user input relating the analyzing, adjusting the image data at the target computer based at least in part on the analysis of the image data (Parulski et al. indicates that the "derived ... images are enhanced" through processing; see column 12, lines 1 – 29. Parulski et al. also state, in column 17, lines 7 – 46, that the derived images are analyzed for "common photographer errors and oversights" and some functions may be "automatic functions". Parulski et al. at least provide either automatic recapture with automatically adjusted settings as shown in figure 47 or automatic image processing as stated in column 41, line 29 – column 43, line 22.);

and generating metadata corresponding to the adjusting (Parulski et al. disclose, as stated in column 42, line 57 – column 43, line 2, wherein the image adjustment software module generates metadata corresponding to adjustments of the digital image data, and further comprising: a metadata/image integrator for integrating the metadata into a digital image file containing adjusted digital image data.);

wherein the target computer has an interface that allows transfer of digital image files from multiple different types of digital image data source devices to the target computer (see Examiner's explanation below).

Parulski et al. disclose, as shown in figure 4, a system having an image data source portion (e.g., imager 18, driver 100, and A/D 104 OR removable memory 54) and a target computer portion (e.g., processor 106, controller 81, and LUT 136). According to Parulski et al., the imager (18), driver (100), and A/D (104) is one source of digital image data and the removable memory (54) is another source of digital image data. Furthermore, Parulski et al. disclose, as shown in figures 46 and 47, an image display (26), where the target computer portion (81) *responsively* shows the verification image (360) on the display. According to Parulski et al., in column 37 (line 53) – column 38 (line 5), the image display (26) serves to allow the under to responsively and directly interact with the target computer portion. Therefore, there exists within Parulski et al. application programming interfaces or APIs.

- 30. As for Claim 26, Parulski et al. disclose, as stated in column 42 (line 57) column 43 (line 2), storing the metadata corresponding to the adjusting in the digital image file; wherein the storing facilitates reversal of the adjusting.
- 31. As for Claim 27, Parulski et al. disclose, as stated in column 42 (line 57) column 43 (line 2), storing the metadata corresponding to the adjusting in a second image file; wherein the second image file comprises a second version of the digital image file.
- 32. As for Claim 29, Parulski et al. disclose, as shown in figures 1 and 4, further comprising an image output device (26) for visually displaying digital images.

- 33. As for Claim 30, Parulski et al. disclose, as stated in column 11 (lines 12-25) and in column 18 (lines 50-57), wherein the image analysis software module and the image adjustment software module are in an image acquisition service of an operating system (The Examiner considers the "software stored" upon which the controller 81 operates with to be the claimed "operating system environment").
- 34. As for Claim 31, Parulski et al. disclose, as stated in column 12 (lines 12 14), further comprising: an image decoder for decoding compressed digital image data; and an image encoder for encoding adjusted digital image data.
- 35. As for Claim 32, Parulski et al. disclose, as stated in column 42 (line 57) column 43 (line 2), wherein the image adjustment software module comprises one or more processing filters for adjusting the one or more digital images.
- 36. As for Claims 33 and 53, Parulski et al. disclose, as stated in column 11 (lines 12-25) and in column 18 (lines 50-57), wherein the image adjustment software module comprises an extensible software architecture operable to allow customization of the image adjustment software module, wherein the extensible software architecture comprises one or more processing filters for adjusting the one or more acquired digital images, wherein each of the one or more processing filters encapsulates an image adjustment function (also see column 42, line 57- column 43, line 2).
- 37. As for Claims 34 and 54, Parulski et al. disclose, as stated in column 11 (lines 12-25) and in column 18 (lines 50-57), wherein the customization comprises adding, removing or reordering processing filters in the image adjustment software module.

10/600,199

Art Unit: 2622

38. As for Claim 35, Parulski et al. disclose, as stated in column 42 (line 57) – column 43 (line 2), wherein the image adjustment software module generates metadata corresponding to

Page 13

adjustments of the one or more acquired digital images, and further comprising: a

metadata/image integrator for integrating the metadata into a digital image file containing

adjusted digital image data.

- 39. For Claim 55, Parulski et al. disclose, as stated in column 11 (lines 12-25) and in column 18 (lines 50-57), a computer-readable medium (ROM or EEPROM) having computer-executable code for the software system of claim 52.
- 40. As for Claim 56, Parulski et al. disclose, according to the flowcharts shown in figures 31a 31c, a digital image file is obtained from the image data source portion (corresponding to steps 202, 204, and 206 Note, the image data becomes an image file upon digitization in step 206), then the obtained digital image file is transferred from the image data source portion to the target computer portion (corresponding to steps 210 and 212), where the digital image file is analyzed and adjusted immediately upon reception at the target computer portion (corresponding to steps 210 and 212; see column 12, lines 36 39; column 26, line 63 column 27, line 15).

Therefore, Parulski et al. disclose wherein the application programming interface comprises a member function that is called to retrieve the first digital image file from the first digital image data source device.

41. As for Claim 57, Parulski et al. disclose, as shown in figure 4, a system having an image data source portion (e.g., imager 18, driver 100, and A/D 104 OR removable memory 54) and a target computer portion (e.g., processor 106, controller 81, and LUT 136). According to Parulski

et al., the imager (18), driver (100), and A/D (104) is one source of digital image data and the removable memory (54) is another source of digital image data.

Therefore, Parulski et al. disclose wherein the interface allows transfer of digital image files from digital image data source devices including: digital cameras, scanners, digital video cameras, mass-storage devices.

42. As for Claim 58, Parulski et al. disclose, as shown in figure 50 and column 43 (line 59) column 44 (line 18), wherein the target computer portion (424) is a PC and wherein the digital image source device is a digital camera (10) separate from and connectable to the PC.

Claim Rejections - 35 USC § 103

- 43. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 44. Claims 4 - 6, 18, and 38 - 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US 6,930,718 B2).

The Examiner considers Claims 4-6 and Claims 38-40 to be corresponding claims, respectively. Accordingly, where appropriate, they will be rejected with together.

45. As for Claims 4-6 and 38-40, Parulski et al. disclose, as shown in figure 1, acquiring the digital image with a shutter release (22) on the digital camera 10). Although, Parulski et al. do not specify where the transferring is initiated remotely at a target location; via a wireless communication medium; and through a network connection.

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However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of initiating acquiring of digital images at a remote location such as a target location; via a wireless communication medium; and through a network connection are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have initiating acquiring of digital images at a remote location such as a target location; via a wireless communication medium; and through a network connection for the advantage of providing a portable camera for use in surveillance systems.

46. As for Claim 18, Parulski et al. disclose, as stated in column 12 (lines 12 – 14), wherein the digital image file is in a JPEG format. Parulski et al. additionally disclose, as stated in column 42 (line 57) – column 43 (line 2), generating metadata corresponding to the adjusting ("metadata instructions") and storing the metadata corresponding to the adjusting in the digital image file. Although, Parulski et al. is silent with respect to EXIF format.

However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of storing digital images in the EXIF format are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have stored digital images in the EXIF format for the advantage of providing a platform independent manageable digital image file.

10/600,199

Art Unit: 2622

Conclusion

47. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lin Ye can be reached on 571.272.7372. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Justin Misleh

Examiner, GAU 2622

December 19, 2007